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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.57/90.

Date of Judgment 22-1-91

P.Yellaiah

.. Applicant

Vs.

1. The Director of
Postal Services,
Andhra Pradesh
Northern Region,
Hyderabad.
2. The Manager,
Postal Motor Services,
Hyderabad.
3. The Postmaster-General,
Hyderabad-A.P. .. Respondents

Counsel for the Applicant :: Shri P.V.Krishnaiah

Counsel for the Respondents :: Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

This application has been filed by Shri P.Yellaiah
under section 19 of the Administrative Tribunals Act,
1985 against the Director of Postal Services, Andhra
Pradesh Northern Region, Hyderabad and 2 others.

2. The applicant was a Time Scale Driver. It is stated
that during the period 8.1.85 to 15.1.85 he was sick and
had to be absent from duty. On this, a charge-sheet was
issued to him and the penalty of reduction of pay was
imposed on him. The applicant appealed against it

and the appellate authority issued a show cause notice under section 29(1)(v) of CCS(CCA) Rules, 1965 as to why the punishment imposed should not be reviewed. The applicant preferred an explanation on 19.9.88. Vide proceedings dated 24.10.88 the Director of Postal Services converted the earlier punishment order into one of dismissal from service. The applicant filed an O.A. No.816/88 before this Tribunal and that was disposed of as premature vide order dated 6.12.88. The Tribunal permitted the applicant to prefer an appeal to the Postmaster-General within two weeks from that date and directed the Postmaster-General to dispose of the appeal in accordance with the rules. The applicant preferred an appeal to the Postmaster-General on 12.12.88 and not getting any reply he has filed this O.A. on 12.1.90. He has prayed that the respondents be directed to reinstate the applicant with backwages and grant all relief flowing therefrom.

3. The prayer is opposed by the respondents. They have defended their action in dismissing the applicant from service.

4. The case was yet to come up for hearing. On 8.1.91 the learned counsel for the applicant moved a lunch motion stating that the only point he would urge in this case at this point of time is that the rule of natural justice has been violated as the disciplinary authority proceeded to pass the impugned order of dismissal without furnishing a copy of the Inquiry Officer's report to the applicant

and giving him an opportunity to represent against the same. This lunch motion case came up before this bench today and the learned counsel for the applicant reiterated the same and stated that the case is covered by the decision of the Hon'ble Supreme Court in the case of Union of India & others Vs. Mohd. Ramzan Khan I SC 456 Judgements Today 1990(4) I. We find that the applicant has stated in ground (a) that the enquiry report which was a crucial document had not been furnished to him. The respondents in para 5 of the counter have taken a stand that the proceedings in the case of the applicant were issued in 1987 whereas the judgment requiring a copy of the enquiry report to be furnished came only in 1989. We dismiss this stand as totally unacceptable since the Full Bench judgment on the same subject in the case of Premnath K.Sharma Vs. Union of India & others I 1988(6) ATC 904 I had been delivered on 6.11.87 itself whereas the final punishment order was issued only on 24.10.88. In any case, the Hon'ble Supreme Court has upheld the principle laid down in the Full Bench case vide its judgment in the case of Union of India & others Vs. Mohd. Ramzan Khan I SC 456 Judgements Today 1990(4) I. We agree with the contention of the learned counsel for the applicant that the dismissal order should be quashed on this ground and hence following the judgment of the Full Bench of this Tribunal in the case of Premnath K.Sharma Vs. Union of India & others I 1988(6) ATC 904 I and the Supreme Court judgment in the case of

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To

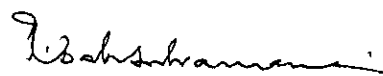
1. The Director of Postal Services,
A.P., Northern Region, Hyderabad
2. The Manager, Postal Motor Services, Hyderabad.
3. The Postmaster-General, Hyderabad-A.P.,
4. One copy to Mr.P.v.Krishnaiah, Advocate
4-3-410, Bank street, Hyderabad.
5. One copy to Mr.N.Bhaskara Rao, Addl. CGSC. CAT.Hyd-Bench.
6. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J) CAT.Hyd.
7. One copy to Hon'ble Mr.R.Balasubramanian, Member(A)CAT.Hyd
8. One spare copy.

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Union of India & others Vs. Mohd. Ramzan Khan I SC 456 Judgements Today 1990(4) I we quash the order of dismissal dated 24.10.88 issued by the Director of Postal Services. This, however, will not preclude the respondents from supplying a copy of the enquiry report to the applicant and give him an opportunity to make his representation and proceeding to complete the disciplinary proceedings from that stage. The application is allowed to the extent indicated above but ⁱⁿ the circumstances we make no order as to costs. If the respondents choose to continue the disciplinary proceedings and complete the same, the manner as to how the period spent in the proceedings should be treated would depend upon the ultimate result. Nothing said herein would affect the decision of the Disciplinary Authority. At the same time we hasten to add, that this order of the Tribunal is not a direction to necessarily continue the disciplinary proceeding. That is entirely left to the discretion of the Disciplinary Authority. The application is disposed of thus with no order as to costs.



(J. Narasimha Murthy)
Member(Judl).



(R. Balasubramanian)
Member(Admn).

Dated 22nd January 91
for Deputy Registrar(Judl)

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APPROVED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.
AND
THE HON'BLE MR. D. SURYA RAO : M(J)
AND
THE HON'BLE MR. J. NARASIMHA MURTY : M(J)
AND
THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

Dated: 22 - 1 - 1991.

~~ORDER~~ / JUDGMENT:

M.A./R.A. / C.A. NO.
in

T.A. No.

W.P. No.

O.A. No. 57/90

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs

